

**Public Hearing  
Liberty Town Board  
April 6, 2009 3:45pm**

At a Public Hearing of the Liberty Town Board held on April 6<sup>th</sup>, 2009 at 3:45pm at Town Hall, 120 North Main Street, Liberty, New York, to hear oral and written comments from concerned citizens with regard to the Small Cities Community Development Block Grant Program (CDBG) 2009. The following board members were present:

Present:                   Supervisor John Schmidt  
                                  Councilperson Maurice Gerry  
                                  Councilperson Lynn Killian  
                                  Deputy Supervisor / Councilperson Clarence Barber

Absent:                    Councilperson Thomas Hasbrouck

Recording Secretary: Deputy Town Clerk Sara Sprague

Also present:            Water & Sewer Chief Albert Picard  
                                  Water & Sewer Working Forman Thomas Kehrley  
                                  Code Enforcement Officer Mark VanEtten  
                                  Park & Recreation Director Brian Scardefield  
                                  Finance Director Earl Bertsch  
                                  Attorney Kenneth Klein  
                                  Highway Superintendent Timothy Pellam  
                                  Deputy Highway Superintendent John Lennon  
                                  Dog Control Officer Joanne Gerow  
                                  Town Justice Brian Rourke

Supervisor Schmidt called the meeting to order at 3:45 p.m.

Mark Blauer of Blauer Associates Inc. advised that this is the second Public Hearing for the Town of Liberty to apply for a Community Development Block Grant. Mark stated that this is a 100% grant with no local match. He stated that the income surveys are going very well and he would like to thank Albert from the Water Dept. and Maureen for all there help. He explained that he is now waiting for Terry Kelly to get back to him with the estimates for the White Sulphur Springs Water Source Project. Mark stated that now that the second

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Public Hearing is completed he would recommend to the Town Board that they proceed with applying for the Grant. The application is due April 24, 2009.

No one from the public wished to be heard and no written comments were received.

Adjourn

**On a motion by Councilperson Clarence Barber**, seconded by **Councilperson Lynn Killian** and carried, the Town Board adjourned the Public Hearing at 3:50 P.M.

Respectfully submitted,

Sara Sprague  
Liberty Deputy Town Clerk

**REGULAR MONTHLY MEETING  
TOWN BOARD OF THE TOWN OF LIBERTY  
APRIL 6, 2009**

At the Town Board Meeting of the Town Board of the Town of Liberty held at 4:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

Supervisor John Schmidt  
Deputy Supervisor/ Councilperson Clarence Barber  
Councilperson Lynn Killian  
Councilperson Maurice Gerry

Absent: Councilperson Thomas Hasbrouck

Recording Secretary: Deputy Town Clerk Sara Sprague

Also Present: Financial Director Earl Bertsch  
Town Attorney Kenneth Klein  
Highway Superintendent Timothy Pellam  
Deputy Highway Superintendent John Lennon  
Water & Sewer Chief Albert Picard  
Working Water & Sewer Forman Thomas Kehrley  
Parks & Recreational Director Brian Scardefield  
Dog Control Officer Joanne Gerow  
Town Justice Brian Rourke

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Senior Account Clerk Cheryl Gerow  
Code Enforcement Officer Mark VanEtten

After the Pledge of Allegiance, Supervisor Schmidt called the meeting to order at 4:00 p.m.

**Bob Stubbs**, of Marshall & Sterling was here to give his presentation for the renewal of the Town's insurance policies.

- New Schedule of updates for each year
- All limits of liability stay the same
- All employees are bonded, with higher coverage for the tax collector and the tax collection clerk
- Enough coverage for further projects
- Coverage savings of \$4000.00

**Motion by Councilperson Maurice Gerry**, seconded by **Councilperson Lynn Killian**, to add an Anti-Terrorism Clause to the Town's Insurance Policy at a cost of approximately \$2,500.00.

1 Aye  
3 Nay's – Motion not carried  
Councilperson Thomas Hasbrouck Absent

**Steve Kalka** , Fuel Management System Presentation

- Steve states that the present fuel system is not completely in compliance with the DEC regulations or with Fire and Building code. What he would like to give the Town Board are some suggestions to rectify the situation.
  - Remove the tanks that are in the salt shed
  - 1000 gallon tank and 275 gallon tank have them properly removed so there is a paper trail
  - Have the diesel tank moved to Eastern side of the Town Barn so it can be observed from inside the building with an on off switch and an intercom. Have the town crew put in a pad to mount the tank on.
  - Do not have the gasoline tanks on premises
  - Make arrangements to buy gasoline at a retail location with a credit card
  - Gasoline for small equipment can be obtained with a tank on a pick-up truck as long as it is DOT approved or by using 5 gallon cans

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- He is leaving information and pictures on what is wrong with the present system and what other local town's have done to improve their systems
- He is also leaving a fine schedule
- Superintendent Pellam raised concerns as to where the tanks should be installed. He states that the tanks would be in the way of through traffic and snow removal if they were to be put on the side of the building. He also states that when the tanks were near the building previously they were hit by vehicles and snow. Superintendent Pellam would like the tanks to be put down by the tent where there already is a pad in place.
- The Board would like to meet with Steve Kalka and Superintendent Pellam again to decided where the tanks should be placed and which system should be installed.

### **Department Heads**

#### **Assessor:**

Ongoing and working on:

- 911 data-base update
- 2009 assessment roll
- Exemption updates

Information:

- Sullivan County Assessor's Association is drafting a letter voicing support with expenses on litigation between the County, School's and Village's.
- Working on completing the 2009 assessment roll within the next few weeks

Otherwise business as usual

#### **Highway Department:**

- Problem with sign on White Lake Turnpike and Stanton Corners Rd. Residents state that the sign says No Parking and they want it to say No Parking from Here to Corner. Per Town Attorney Kenneth Klein this change would have to be made by a local law. Law enforcement would also be needed to assure that people were abiding by what the sign says.

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- Muhlig Road subdivision, water is washing down from the farmhouse. Ditches are too deep. Superintendent Pellam states that it should be the homeowners responsibility to fix these problems.
- Lease to own portable asphalt grinder. 30 day lease for \$ 9,000.00 with an option to buy. In addition there is a \$4,000.00 security deposit which would be taken off the purchase price.

**RESOLUTION NO.**

*APPROVAL OF RENTAL OF PORTABLE ASPHALT GRINDER*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Maurice Gerry** the Town Board approved the rental of a portable asphalt grinder for 1 month.

4 Aye's

Carried

Councilperson Thomas Hasbrouck Absent

**Water & Sewer Department:**

- Chief Albert Picard gave the Highway Department their old tank truck because the W & S Department has purchased a new one.
- Small piece of sewer main was put out to bid. There were 5 bidders and Howard Osterhoudt Excavating was the low bidder.
- Rural Water was here and they are coming back in May.
- Working on surveys with Maureen for CDBG Grant, 6 more people to meet with.
- Meters are going back on for summer residents
- Steve is working on valving
- Want to thank Tim and his men for brush cutting around the sewer plant.

**Building Department:**

- 14 Building Permits issued in March
- 33 Violations issued in March
- The Department of Labor now requires that any building that was built prior to 1974 and is having work done to it, have a Letter of Asbestos Survey completed by a certified engineer.
- The demolition or repair of older buildings with these new requirements will be very costly. Terry Kelly states that the cost for the survey could be between \$ 2,500 and \$3,000. There may be some break if there is more than one building to be taken down, for example, at a bungalow colony.

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- Code Enforcement Officer Mark VanEtten has not been able to get in touch with Attorney Walter Garigliano regarding the Unsafe Building Procedure Package.
- Code Enforcement Officer Mark VanEtten submitted pictures of 30 buildings in the Town of Liberty that he feels are unsafe and that should be taken down.
- Department of Labor's Asbestos Survey is in the Town Board's packets
- The Code Enforcement Officer recommends that the Town Board purchase the Demolition Book from Attorney Walter Garigliano for \$2,000.00.
- It is suggested by the Town Board that Attorney Walter Garigliano review the Demolition Book and add the Asbestos Law and the Town of Liberty's name to it before a final motion is made to purchase the book. Mark states that he will come to the next meeting to discuss what he finds out from Attorney Garigliano regarding this matter.
- Code Enforcement Officer Mark VanEtten states that Mr. Altbach would like someone to come to court with him to represent the Town on citations. Mr. Altbach had an emergency and could not be here to speak on this matter tonight. Mr. Rourke suggests that the Town Board give Mark some direction on how to proceed with some of these cases. Some of the cases have been going on for very long time without being resolved. Councilperson Killian suggests that a work session should be set up with Mark, the Board Members, Attorney Kenneth Klein, Judge Altbach, Judge Rourke, and Attorney Walter Garigliano to go over this matter and come up with some kind of solution. Supervisor Schmidt said this can be set up before the next meeting or the meeting after.

**Parks & Recreation:**

- Spring Program sign-ups started, 27 kids signed up for day camp and soon sign-up will start for non-residents.
- Interviews for applicants for summer programs has begun.
- 40 children attended the Easter Egg Hunt, the attendance was down due to bad weather.
- Inmates are fixing the Little League Dugouts at Hanofee Park
- Supervisor Schmidt was in contact with Nancy Levine regarding the use of the Swan Lake Tennis Courts.
- The pool at Hanofee Park needs to be drained so that a new drain can be put in. The drain has to be the new type of drain that a child cannot be sucked into.

**Dog Control:**

- 112 Calls
- 3 Tickets
- 1,012 Miles
- 1 Dog Bite
- 1 Dog in the Kennel
- Dog Control Officer Gerow would like to thank The Board for her wireless telephone stipend each month.

**Town Clerk / Tax Collector:**

- Tax Collection is over, everything went to the County on April 3 2009. Per Finance Director Earl Bertsch 10% of the people who paid their taxes did take advantage of the payment options.

**Finance Director:**

- The Audit is over and the Auditor's would like to come to a meeting and make a presentation.
- Finance Director Bertsch will be on vacation for the next meeting.

**Board Discussion:**

**Councilperson Clarence Barber**

- Nothing to report

**Councilperson Lynn Killian**

- Councilperson Killian drafted a letter to the Village Board re the consolidation of the Village and the Town. She read the letter aloud. Councilperson Killian would like Executive Secretary Maureen Barber to put the letter on the Town of Liberty letterhead. Councilperson Barber is upset that the Town people do not get to vote if the referendum went to a vote like the Village people do. This is a matter of state law and not a matter of local law. Councilperson Killian would like to be proactive and keep in contact with the Village Board to discuss the options that are out there before anything happens that does not benefit either the Town or the Village. She would like all the Village residents to vote on a referendum rather than just having the Village Board make the decision. Councilperson Barber has a concern with the Village residents making the decision for the Town taxpayers. Councilperson Gerry would also like all the residents of the Village to make the decision to go to a referendum

vote, if it gets that far. Attorney Kenneth Klein stated that nothing may happen with the Village Board and no progression to go forward will happen and the Town and the Village will stay as they are.

## **RESOLUTION NO.**

### *APPROVAL OF LETTER TO BE SENT TO THE VILLAGE BOARD*

**On a motion by Councilperson Lynn Killian**, seconded by **Councilperson Maurice Gerry**, the Town Board approved to send a letter to the Village Board regarding the Shared Municipal Services Grant.

3 Aye's - Carried

Councilperson Clarence Barber-Abstained

Councilperson Thomas Hasbrouck-Absent

- Councilperson Lynn Killian and Councilperson Maurice Gerry attended the Bi-Centennial Gala at the Villa Roma and it was very nice.

### **Councilperson Maurice Gerry**

- Councilperson Gerry would like to know about the skate park. Henrich, from the CDC, states that it is going to be made smaller because the bidding came in too high for the base. Councilperson Gerry would like to be contacted before any revisions are made. He states that too many kids worked too hard on it and they are now graduating college. He does not want to see it go backwards. Councilperson Gerry would like to see if there are any other ways to get some help before any downsizing is done. He states that he will help in anyway he can.
- Not sure where the stonewall by the traffic circle is, Councilperson Gerry saw Henrich, from the CDC, and he still isn't sure what's happening with the circle.

### **Supervisor Schmidt**

- Supervisor Schmidt stated that the Town needs to be lead agency on the DEC Environmental Assessment for the Loomis Water Project.

**RESOLUTION NO.**

*APPROVAL OF TOWN BOARD TO BE LEAD AGENCY ON THE LOOMIS WATER PROJECT*

**On a motion by Councilperson Lynn Killian**, seconded by **Councilperson Maurice Gerry** the Town Board will be lead agency on the Loomis Water Project.

4- Aye's – Carried  
Councilperson Thomas Hasbrouck-Absent

**Correspondence**

- A letter from Aileen Gunter regarding the Governor's proposal which would have permitted a Town Board to convert the office of Town Clerk, Receiver of Taxes, and Superintendent of Highways from elected to appointed positions.
- A copy of the Annual Compliance Inspection of the Swan Lake Wastewater Treatment Plant by the New York State DEC.
- A packet from Code Enforcement Officer Mark VanEtten regarding demolition permits.

**New Business**

Procurement Policies and Procedures

- Finance Director Earl Bertsch would like to make one change to the Procurement and Procedures Policy, he would like to add on page 3 re purchase orders, that when written or verbal proposals are required they must be included on the purchase order and if only 1 price is received the reason must be documented on the purchase order.
- Councilperson Killian thanked Finance Director Bertsch for adding the Blanket Purchase to the updated Procurement Policies and Procedures.

**RESOLUTION NO.**

*APPROVAL OF CHANGES TO PROCUREMENT POLICIES AND PROCEDURES*

**On a motion by Councilperson Lynn Killian**, seconded by **Councilperson Maurice Gerry** the Town Board approved the Procurement Policies and Procedures with the modifications made to page 3 per Finance Director Earl Bertsch.

4 – Aye's – Carried  
Councilperson Thomas Hasbrouck-Absent

**RESOLUTION NO.**

*SET BID OPENING FOR ASPHALT PAVING MIXES FOR 4/16/09 @ 11 A.M. AT THE TOWN CLERK'S OFFICE.*

**On a motion by Councilperson Clarence Barber**, seconded by **Councilperson Lynn Killian** the Town Board sets 4/16/09 at 11:00 a.m. at the Town Clerk's Office for the Asphalt Paving mixes bid.

4- Ayes – Carried  
Councilperson Thomas Hasbrouck-Absent

**RESOLUTION NO.**

*RENEWAL OF JUNK YARD LICENSE FOR SIM'S METAL*

**On a motion by Councilperson Maurice Gerry**, seconded by **Councilperson Lynn Killian** the Town Board approved the Junk Yard license for Sim's Metal.

4- Ayes –Carried  
Councilperson Thomas Hasbrouck-Absent

**RESOLUTION NO.**

*APPROVAL TO LIST TWO TOWN PROPERTIES WITH BELGARD REALTY*

- Attorney Kenneth Klein states that we have the exclusive agency listing which is the listing the Town Board had wanted before signing the contracts.

**On a motion by Councilperson Clarence Barber**, seconded by **Councilperson Lynn** the Town Board does hereby authorize Supervisor

Schmidt to sign the contracts with Belgard Realty to list two Town properties with them.

4- Ayes- Carried  
Councilperson Thomas Hasbrouck-Absent

**RESOLUTION NO.**

*APPROVAL TO AWARD THE BID FOR THE SWAN LAKE SEWER MAIN REPLACEMENT*

**On a motion by Councilperson Lynn Killian**, seconded by **Councilperson Maurice Gerry** the Town Board awards the Swan Lake Sewer main replacement bid to Howard Osterhoudt Excavating.

4- Ayes – Carried  
Councilperson Thomas Hasbrouck-Absent

**Attorney Kenneth Klein**

- Letter of Credit for R & M Farms. Attorney Klein spoke to Paula Kay who represents R & M Farms LLC and the letter of credit matures 4/30/09.

**RESOLUTION NO.**

*APPROVAL OF THE RENEWAL OF R&M FARMS LLC LETTER OF CREDIT*

**On a Motion by Councilperson Lynn Killian**, seconded by **Councilperson Clarence Barber** the Town Board approved renewing R & M Farms LLC Letter of Credit for 1 year, from 4/30/09 – 4/30/10.

4- Ayes – Carried  
Councilperson Thomas Hasbrouck-Absent

- Letter of Credit for AJM expired on March 30, 2009, per Attorney Kenneth Klein they need to renew the letter of credit for 1 yr.

**RESOLUTION NO.**

*APPROVAL OF THE RENEWAL OF AJM'S LETTER OF CREDIT*

**On a motion by Councilperson Maurice Gerry**, seconded by **Councilperson Lynn Killian** the Town Board approved renewing the Letter of Credit for AJM for 1 year, from 3/30/09 – 3/30/10.

4- Ayes- Carried  
Councilperson Thomas Hasbrouck-Absent

**On a motion by Councilperson Lynn Killian**, seconded by **Councilperson Maurice Gerry** the Town Board adjourned the meeting at 5:45 p.m.

4- Ayes- Carried  
Councilperson Thomas Hasbrouck-Absent

Respectfully submitted,

Sara Sprague, Deputy Town Clerk

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